

(O-85-90)

ORDINANCE NUMBER O- 16332 (NEW SERIES)

ADOPTED ON NOV 20 1984

AN EMERGENCY ORDINANCE LIMITING THE ISSUANCE
OF BUILDING PERMITS AND COMMENCEMENT OF
CONSTRUCTION OF PROJECTS WITHIN COUNCIL
DISTRICT 4.

WHEREAS, The City of San Diego, under the police power delegated to it by the Constitution of the State of California, has the authority to act when the public health, safety and welfare of its citizens are jeopardized; and

WHEREAS, Section 101.0205.2 of the Municipal Code indicates that the City Council may adopt as an urgency measure an interim ordinance prohibiting uses which may be in conflict with a contemplated zoning proposal or study which the City Council, Planning Commission or the Planning Department is considering, or studying, or intends to study within a reasonable time; and

WHEREAS, it has been determined by the City Council that an urgency situation exists within Council District 4 with respect to the design and development of new building; and

WHEREAS, the Council of The City of San Diego has directed the preparation of an Urban Design Program for Council District 4 as a part of Project First Class; and

WHEREAS, the Planning Department is currently preparing community plans for the communities of Southeast San Diego and Skyline/Paradise Hills within Council District 4; and

WHEREAS, the Southeast Economic Development Corporation is currently drafting three redevelopment project plans; and

WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety or welfare and that the approval of additional subdivisions, rezonings, land use permits, building permits or any other applicable entitlement for use which is required in order to comply with the zoning ordinance would result in a threat to the public safety or welfare unless such entitlements are subject to appropriate design control; and

WHEREAS, the City Council specifically finds that poor development practices hinder the ongoing effort for redevelopment currently being undertaken within the District and jeopardize the prospect for government funding of redevelopment efforts; and

WHEREAS, the City Council further specifically finds that poor development practices have and are continuing to hinder the overall economic vitality of the entire Council District; and

WHEREAS, the aforesaid findings are supported by documentary evidence in the public record of examples of poor development, specifically:

1. The multi-family "move-on" project at the northeast corner of Euclid Avenue and Naranja Street, which contains a lack of usable open space;
2. The "move-on" of a number of single-family homes onto a multi-family-zoned parcel at the northwest corner of Interstate 805 and Imperial Avenue, which is an example of poor site planning and lack of landscaping;

3. Recent apartment construction on and near Imperial Avenue which reflect poor design treatment, lack of landscaping and poor handling of parking;
4. A multi-family development on the north side of Logan Avenue between Euclid Avenue and 47th Street which indicates a minimal landscaping effort and unimaginative structure design;
5. A current application for motorcycle recycling on Logan Avenue between 33rd Street and Gregory Street with potential impacts on nearby residential areas;
6. The continued operation of auto-serving uses including tire stores, auto upholstery and auto repair, which are void of sign controls, fencing and landscaping; and

WHEREAS, the Council of The City of San Diego held a hearing in compliance with Section 101.0205.2 of the San Diego Municipal Code; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, that the following provisions are adopted as an urgency measure:

Section 1. BOUNDARY

This ordinance is specifically applied to those areas commonly known as the Southeast Community Plan area and the Skyline/Paradise Hills Community Plan areas, described as follows:

1. Beginning at the Junction of State Highway 94, proceeding eastward to the corporate boundary of The City of Lemon Grove, following that boundary southward,

then eastward to its intersection with the boundary of The City of San Diego with The County of San Diego, following that boundary southward to its intersection with Paradise Valley Road, following Paradise Valley Road to its intersection with Meadowbrook Drive, following Meadowbrook Drive to its intersection with Skyline Drive, following Skyline Drive to its intersection with Woodman Street, following the Woodman Street right-of-way to its intersection with the Plaza Boulevard right-of-way, following the Plaza Boulevard right-of-way to its intersection with the corporate limits of The City of National City, following that boundary west to Interstate 5, following Interstate 5 north to the junction to State Highway 94 and the beginning point.

Also included, as a part of the Skyline/Paradise Hills Community Plan area is the area described as follows:

2. Beginning at the intersection of the corporate boundary of The City of San Diego with The City of National City and State Highway 54, proceeding north along the corporate boundary to its intersection with Paradise Valley Road, following Paradise Valley Road to its intersection with Potomac Street, following Potomac Street to its intersection with Alta View Drive, following Alta View Drive to its intersection with Dusk Drive, following Dusk Drive to its intersection with Parkside Drive, following Parkside Drive east to its

intersection with Garber Avenue, following Garber Avenue to its intersection with Hedges Way, following Hedges Way to its intersection with the SR 54 right-of-way, following the SR 54 right-of-way west to its intersection with the corporate boundary of The City of National City, which is the beginning point.

Section 2. PROHIBITION

Within the boundary as indicated in Section 1 above, no building permit shall be issued for construction of any structure unless:

- A. Such building permit is for the construction of a single-family house within the R-1 Zones (Municipal Code Sections 101.0407 and 101.0407.1); or
- B. Such building permit is for development projects where a discretionary permit incorporating design review has been granted, including:
 - 1. Planned Residential Developments (Municipal Code Section 101.0900).
 - 2. Planned Commercial Developments (Municipal Code Section 101.0910).
 - 3. Planned Industrial Developments (Municipal Code Section 101.0920).
 - 4. Conditional Use Permits granted by the Planning Commission (Municipal Code Section 101.0506).
 - 5. Conditional Use Permits granted by the City Council (Municipal Code Section 101.0507).
 - 6. Development within a Planned District.

7. Development conducted under a Development Agreement where such agreement specifies the final design of structures and landscaping (Municipal Code Section 105.0101); or

C. Such building permit is for a Development Project for which the Planning Commission and the Redevelopment Agency are afforded design review under the Operating Agreements established between the Southeast Economic Development Corporation and the City Council/Redevelopment Agency, including:

1. Disposition and Development Agreements.
2. Owner Participation Agreements.
3. Public developments or public improvements done by the Redevelopment Agency; or

D. Development which is a minor modification to an existing structure as defined by the Bureau of Census (BC) Codes (January 10, 1983). These include BC Codes 191, 200, 201, 210, 211, 212, 220 and 221.

E. Except as provided for in subsections B and C above, no permit shall be issued for the moving of structures onto lots within District 4 (Municipal Code Section 91.0510) or for the placement of manufactured housing or mobilehomes on lots within the ordinance subject area.

F. Subparagraphs A. through E. above notwithstanding, no Conditional Use Permit for vehicle recycling or dismantling uses shall be granted on any property which abuts or is located directly across any street or alley

from lands which have "R" zoning (Municipal Code Sections 101.0407 through 101.0410).

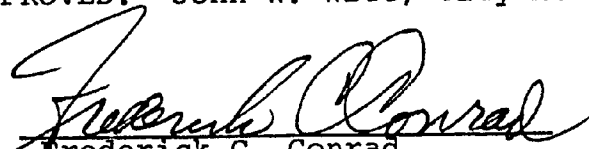
G. Within all the areas covered by the Emergency Ordinance, the following uses shall be required to obtain a Conditional Use Permit as following the procedures and processes indicated in Paragraphs B. through F. of Section 101.0506 of the San Diego Municipal Code:

1. Sale of automobiles (usable).
2. Sale of boats (usable).
3. Sale of motorcycles and scooters.
4. Sale of trucks (usable).
5. Sale of trailers, and
6. The manufacture or sale of new and/or used motor vehicle parts, including tires.

Section 3. As provided for in Section 101.0205.2 of the San Diego Municipal Code, this ordinance shall be in effect upon adoption by the Council of The City of San Diego and shall remain in effect for a period of ninety days unless it is extended by act of the City Council or is superseded by new legislation.

APPROVED: John W. Witt, City Attorney

By



Frederick C. Conrad
Chief Deputy City Attorney

FCC:ib:630
11/19/84
Or.Dept:Plan.
O-85-90
Form=O.none

NOV 20 1984

Passed and adopted by the Council of The City of San Diego on _____, by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Charles G. Abdelnour*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on NOV 20 1984, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	0-16332
Adopted	NOV 20 1984

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C St., 12th Floor
San Diego, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NUMBER O-16332

**ORDINANCE NUMBER O-16332
(NEW SERIES)**

AN EMERGENCY ORDINANCE LIMITING THE ISSUANCE OF BUILDING PERMITS AND COMMENCEMENT OF CONSTRUCTION OF PROJECTS WITHIN COUNCIL DISTRICT 4.

This ordinance prohibits issuance of building permits for any structure within an area generally described as the Southeast Community Plan area and Skyline/Paradise Hills Community Plan area unless the project was subjected to a discretionary permit review incorporating design review.

Moving structures or manufactured housing units onto lots within the described area is prohibited unless specified permits are obtained.

Motor vehicle dismantling or recycling uses are prohibited within specified proximity to residential-zoned land. A Conditional Use Permit is required for sale of useable vehicles and new or used motor vehicle parts or tires.

The ordinance is declared to be an Emergency Ordinance which became effective immediately upon adoption for reasons stated in the ordinance and remains in effect for 90 days therefrom, at which time it expires unless extended by the City Council.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

Introduced, reading dispensed with and adopted by the City Council of The City of San Diego on NOVEMBER 20, 1984.

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR,

City Clerk of The City of San Diego, California.

By **MAYDELL L. PONTECORVO,** Deputy.

Pub. Dec. 3

7178

I, Michael L. Ungashick, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-16332
(NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

December 3, 1984

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 3rd day of Dec., 19 84.

6.5" x 9.76 = 63.44

Michael L. Ungashick
(Signature)

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